

## REMARKS

Claims 2, 7, 9, 14, 16 and 21 are pending in this application. Claims 2, 9 and 16 are allowed. Claims 7, 14 and 21 are rejected. None of the claims are currently amended.

Reconsideration and further examination are respectfully requested.

Claims 7, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaszewski in view of Sayers. The Office cites Sayers as teaching the recited logic for selecting an operating frequency as a function of detected transmission power from other devices. In particular, the Office cites Sayers at Figure 22, abstract, and column 7, line 12 through column 8, line 41. Applicant respectfully traverses. Rather than selection of frequency as a function of detected power, the cited passages of Sayers teach selection of a power level as a function of detected power. The steps in Figure 22, for example, culminate in “recalculate PWR” and “update PWR setting,” until the “complete?” inquiry is satisfied. With regard to frequency selection, Sayers states at column 20, lines 21-48, with reference to Figures 11 and 12, that an operator may manually select the frequency or an automated procedure can be used. However, the automated procedure is not described in detail, and certainly is not described as comparing stored detected transmission powers. Rather, the inquiry is simply whether the frequency is “suitable.”<sup>1</sup> Without further guidance, one would assume that any channel satisfying an RSSI threshold would be deemed suitable. In any event, Sayers fails to teach “i. comparing said stored transmission powers; j. choosing for operation the frequency associated with the highest stored transmission power.”

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited. Should there

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remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

March 28, 2007  
Date

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<sup>1</sup> Column 20, lines 32-33